

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

CHARLES C.,

Plaintiff,

v.

CIVIL ACTION NO. 3:23-0740

MARTIN J. O'MALLEY,  
Commissioner of the Social Security Administration,<sup>1</sup>

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that the Court deny Plaintiff's Motion for Judgment on the Pleadings (ECF No. 5), grant Defendant's request to affirm the decision of the Commissioner (ECF No. 7); affirm the final decision of the Commissioner; and dismiss this matter from this Court's docket. No objections to the Magistrate Judge's findings and recommendation have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's Motion for Judgment on the Pleadings (ECF No. 5), **GRANTS** Defendant's request to affirm the decision of the Commissioner (ECF No. 7);

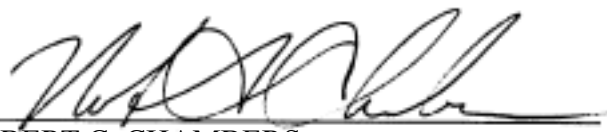
---

<sup>1</sup>Commissioner O'Malley was sworn in on December 20, 2023, replacing Acting Commissioner Kilolo Kijakazi. Per Fed. R. Civ. P. 25(d), O'Malley was automatically substituted as Defendant in this action..

**AFFIRMS** the final decision of the Commissioner; and **DISMISSES** this matter from this Court's docket, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: April 5, 2024

  
\_\_\_\_\_  
ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE